REMARKS

The present application was filed on June 24, 2003 with claims 1-23 Claims 24 and 25 were added by a prior amendment Claims 1 through 25 are presently pending in the above-identified patent application. Claims 1, 12, 18 and 19 are proposed to be amended herein

In the Office Action, the Examiner rejected claims 1, 12, 18 and 19 under 35 U S.C §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. In addition, claims 1-10, 12-22, 24 and 25 were rejected under 35 U.S.C. §102(e) as being anticipated by MacGintie et al. (United States Publication Number 2003/0105630 A1). In addition, claims 11 and 23 were rejected under 35 U.S.C §103(a) as being unpatentable over MacGintie et al in view of Epstein et al (United States Patent Number 6,754,626).

Introduction

At the outset, it is noted that the Examiner failed to address any of the substantive arguments provided in Applicants' prior response. The Examiner merely noted in the Response to Arguments section that Applicants' arguments are "moot in view of the new grounds of rejection." Applicants are at a loss to understand how their prior substantive arguments are moot in view of a questionable (or at least borderline) section 112 rejection Nonetheless, Applicants have amended Claims 1, 12, 18 and 19 in accordance with the Examiner's suggestion to address the Section 112 rejection. Applicants respectfully request withdrawal of the section 112 rejection.

With regards to the prior art rejections, Applicants respectfully and affirmatively request consideration of Applicants' prior remarks which are reproduced herein, in their entirety

Independent Claims

Independent claims 1, 12, 18 and 19 were rejected under 35 U.S.C §102(e) as being anticipated by MacGintie et al. Regarding claims 1, 18 and 19, for example, the Examiner asserts that MacGintie et al. discloses a method for validating a textual entry of spoken words of a caller (citing FIG 1 and par. 0002) that receives a telephone call from the caller (citing par 0044); monitors a textual entry of the spoken words (citing par. 0073); converts the spoken words to text using a speech recognition technique (citing par 0045); and compares the textual entry to the

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converted text to confirm an accuracy of the textual entry substantially during the telephone call (citing pars. 0086-0089).

Contrary to the Examiner's assertion, however, MacGintie et al. does not disclose or suggest comparing the textual entry to the converted text to confirm an accuracy of the textual entry *substantially during the telephone call*, as required by each independent claim. Rather, as discussed hereinafter, MacGintie et al. is comparing two previously recorded files that are both retrieved from memory.

In particular, as discussed by MacGintie et al. in paragraphs 0086-0089, a transcriptionist text file database 30c stores manually transcribed transcriptionist text files. Par. 0086. A recognition engine text file database 30d stores recognition engine text files transcribed via the plurality of speech recognition engines 14. Par. 0087. Each recognition engine text file, transcriptionist text file and speech file are linked and stored within the database 30 maintained by the central speech processor 12. Par. 0088.

As clearly discussed in paragraph 0089, the comparator 52 reviews the time stamped recognition engine text files with time stamped transcriptionist text files based upon the same speech file so as to determine differences between the recognition engine text file and the transcriptionist text file. Thus, the comparator 52 is comparing two files that are both retrieved from memory (databases 30c and 30d).

Thus, MacGintie et al. does not disclose or suggest comparing the textual entry to the converted text to confirm an accuracy of the textual entry *substantially during the telephone call*, as required by each independent claim.

The present invention, on the other hand, requires a comparison between (i) a textual entry of spoken words of a caller; and (ii) a speech recognized version of those spoken words. Independent claims 1, 12 and 18 require that the textual entry is compared to the converted text to confirm an accuracy of the textual entry *substantially during the telephone call*. In this manner, the present invention verifies the accuracy of the human agent in real time. Generally, the present invention uses speech recognition as a tool to judge the accuracy of a real-time human generated input. MacGinite et al. specifically states (citing par. 0090) that the comparison assumes that the

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human textual entry is accurate, while the present invention is assessing the accuracy of the textual entry (of the human call center agent).

Again, MacGintie et al. does not disclose or suggest comparing the textual entry to the converted text to confirm an accuracy of the textual entry *substantially during the telephone call*, as required by each independent claim.

Dependent Claims

Dependent claims 2-11, 13-17 and 20-25 were rejected over MacGintie et al. alone or in combination with Epstein et al. Claims 2-11, 13-17 and 20-25 are dependent on claims 1, 12 and 19, respectively, and are therefore patentably distinguished over MacGintie et al. and Epstein et al (alone or in combination) because of their dependency from amended independent claims 1, 12 and 19 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., claims 1 through 25, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

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